

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MARK M. MORNING,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CV 21-23-M-DWM

ORDER

Plaintiff Mark M. Morning (“Morning”) moves under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), for attorney fees and filing costs incurred in prosecuting his Social Security appeal. He requests \$6,680.13 in fees and \$400.00 in costs. Costs are not paid by agency funds, but rather by the Judgment Fund. Defendant Commissioner of Social Security (“Commissioner”) does not object to Morning’s application for fees and costs in this amount.

Accordingly, IT IS ORDERED that Morning’s motion (Doc. 18) is GRANTED. The Commissioner shall pay \$6,680.13 in attorney fees as well as \$400.00 in filing fee costs.


IT IS FURTHER ORDERED that if, after receiving the Court’s EAJA fee order, the Commissioner (1) determines upon effectuation of the Court’s EAJA fee

order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office  
P.O. Box 1581  
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and a check for any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney's office at the address stated above.

DATED this 5<sup>th</sup> day of January, 2022.

  
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Donald W. Molloy, District Judge  
United States District Court